

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 15, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:31 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 8, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated November 8, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. A resolution in the matter of proclaiming November, 2005 as "National Runaway Prevention Month". (R-05-0151)

The Clerk read the resolution into the record.

Corey Steel, Juvenile Justice Coordinator, gave a brief overview of the resolution.

MOTION: Heier moved and Workman seconded approval of Resolution 05-0151 in the matter of proclaiming November, 2005 as "National Runaway Prevention Month". Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

B. 2005 Lancaster County Community Campaign - Rick Inbody, United Way Campaign Director; Brian Wachman, United Way Director; Milt Schmidt, United Way Public Sector Campaign Manager; Cathy Hietbrink, Community Health Charities Lincoln Director; Sharlette Schwenninger, Community Services Fund Executive Director; Cori Beattie, Lancaster County Campaign Coordinator and Mike Thurber, Corrections Director.

Brian Wachman, United Way Director, Cathy Hietbrink, Community Health Charities Lincoln Director and Sharlette Schwenninger, Community Services Fund Executive Director appeared and thanked the County and its employees for participation in the campaign.

Wachman stated a total of \$39,146 was raised by the County which was an 18 percent increase over the previous year.

3) **CLAIMS: Approval of all claims processed through Tuesday, November 15, 2005.**

MOTION: Workman moved and Stevens seconded approval of all claims processed through November 15, 2005. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Change of Zone No. 05048, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)

B. County Special Permit No. 05033, to allow dwelling units within 1,320 feet of a public lake, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (See New Business Item 5B for correlating documentation.)

4) PUBLIC HEARINGS CONTINUED:

C. County Preliminary Plat No. 05012, Conestoga Heights (now known as Conestoga Lake Estates) for 15 residential acreage lots and associated waiver requests, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (See New Business Item 5C for correlating documentation.)

Board consensus was to hear Public Hearing Items 4A through 4C together.

The Chair opened the public hearings and asked if anyone wished to testify in favor of the proposals.

The oath was administered to Lyle Loth of ESP, representing the applicant, Paul Green.

Loth presented the proposals indicating that the change of zone is in conformance with the Comprehensive Plan. Recommendation by the Planning staff and the Planning Commission was approval.

The preliminary plat, Loth stated, is to create 15 acreage lots on the property with requested waivers. He indicated the plat is in conformance with the standards and requirements of the AGR zoning district. Recommendation by Planning staff and Planning Commission was conditional approval. Loth stated they do concur with all conditions set forth.

Loth stated the final application is for a special permit to allow dwellings within 1,320 feet of a public lake. He referred to Item 13 (page six of the Planning FactSheet) which lists 15 conditions, stating they agree with all conditions with the exception of Item "n" which refers to the size of the lots. Loth stated their project consists of 15 lots on 62 acres with lot sizes ranging between three to a little over eight acres. Average lot size would be approximately four acres. It is their belief, he said, when an area has been designated for acreage development, it is desirable to maximize the density to the extent allowed so that infrastructure and other services can be provided more efficiently thereby reducing the amount of paved roads, shortening school bus routes and reducing potential conflict points between farming activities and acreages.

4) PUBLIC HEARINGS CONTINUED:

In response to a question asked by Heier regarding quality/quantity of water, Loth explained a test well was drilled on the site and was test pumped and analyzed. Indication is that there is adequate quantity and quality of water.

The Chair asked if anyone wished to testify in opposition to the proposals.

The oath was administered to each of the following individuals appearing in opposition to the proposals and who addressed concerns regarding the safety aspect of residential properties abutting cattle operations, safety issues relating to hunting on public land, complaints from neighboring property owners regarding noise made by cattle, access to the development being located on a curve, number of lots, quality and quantity of water, affect of a subdivision on natural resources and green space and Conestoga Lake becoming an urban lake versus a rural lake:

- ▶ Peter Reinkordt, 9700 West Pioneers Boulevard, Denton, Nebraska
- ▶ Marcia Stewart, 8858 west Pioneers Boulevard, Denton, Nebraska
- ▶ Elizabeth Reinkordt, 1630 South 25th Street, Lincoln, Nebraska
- ▶ Richard Halvorsen, 6311 Inverness Road, Lincoln, Nebraska

Mike DeKalb, Planning Department, displayed a site map of the proposals and gave a brief overview.

Discussion followed regarding encroachment, setback and fencing issues.

In closing, Loth addressed water concerns and stated in reviewing the report he found that part of the conclusions were based on three previous reports from surrounding subdivisions recently developed or proposed for development within one mile or less of the project. He added that Scott Summerside, with the University of Nebraska, made a statement relating to a previous project that in his experience domestic wells of approximately ten gallons per minute usually do not impact any wells of neighboring properties.

Heier asked Loth if he would object to a 50 foot setback and a chain link fence.

Loth responded that he couldn't answer that question at the present time.

Workman asked Loth how they would disclose to potential property owners that there are farming operations nearby.

4) **PUBLIC HEARINGS CONTINUED:**

Loth replied that they do have language in place and read the following into the record: "This acreage development is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization" , ". . . waives any future right to protest the creation of lawful centralized sanitary water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate" and "Future lot owners, please be advised that this subdivision is in a rural area surrounded by farming activities. Normal and customary farming operations and other permitted uses shall not constitute a nuisance".

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

5) **NEW BUSINESS:**

- A. **A resolution in the matter of County Change of Zone No. 05048, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0147)**
- B. **A resolution in the matter of County Special Permit No. 05033, to allow dwelling units within 1,320 feet of a public lake, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0146)**
- C. **A resolution in the matter of County Preliminary Plat No. 05012, Conestoga Heights (now known as Conestoga Lake Estates) for 15 residential acreage lots and associated waiver requests, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0148)**

Board consensus was to hear New Business Items 5A through 5C together.

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded to direct the County Attorney's Office to revise Resolution Number 05-0147, County Change of Zone No. 05048; Resolution Number 05-0146, County Special Permit No. 05033 and Resolution Number 05-0148, County Preliminary Plat No. 05012 with the stipulation that Lots 4, 5 and 6 be redrawn (to two lots instead of three) reducing the total number of lots from 15 to 14 and that the applicant install a four to five foot chain link fence on the north, east and west sides of the property.

Workman indicated he felt the Board would be setting a precedent for the County by specifying that chain link fence be installed.

Schorr suggested that the Board stipulate the fence be mutually agreed upon by the three property owners instead of specifying that it will be a four to five foot high chain link fence.

FRIENDLY AMENDMENT: Workman offered a friendly amendment stipulating that the existing fence on the east, west and north property lines be improved to the satisfaction of the applicant and the existing landowners, at the sole expense of the applicant.

The maker of the motion and the seconder concurred.

CLARIFICATION OF MOTION: Direct the County Attorney's Office to revise the resolutions regarding Preliminary Plat 05012 and Special Permit 05033 to add two new conditions: a) Redraw the lots lines for four, five and six reducing the lots from 15 to 14 and b) The existing fence on the east, west and north property lines be improved to the satisfaction of the applicant and the existing landowners, at the sole expense of the applicant.

ROLL CALL: Workman, Schorr and Hudkins voted aye. Stevens and Heier voted no. Motion carried.

D. A resolution in the matter of declaring projects under Neb. Rev. Stat. §23-120, as amended, and imposing levy for the costs and indebtedness for such projects. (R-05-0149)

MOTION: Heier moved and Schorr seconded approval of Resolution 05-0149 in the matter of declaring projects under Neb. Rev. Stat. §23-120, as amended, and imposing levy for the costs and indebtedness for such projects. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

(Commissioner Schorr exited the Hearing Room at 3:14 p.m..)

E. A resolution in the matter of authorizing the installation of traffic signs at the following locations: Install "School Advance" warning signs for Parkview Christian School located at 5001 South 1st Street. One sign will be located 500 feet north of the driveway for southbound traffic and a second sign will be located 500 feet south of the driveway for northbound traffic. (R-05-0150)

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0150 in the matter of authorizing the installation of traffic signs at the following locations: Install "School Advance" warning signs for Parkview Christian School located at 5001 South 1st Street. One sign will be located 500 feet north of the driveway for southbound traffic and a second sign will be located 500 feet south of the driveway for northbound traffic. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

F. A grant contract with Berniklau Educational Solutions Team (BEST) to provide funding for the management of a Juvenile Day Reporting Center, in the amount of \$95,000. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-05-0562)

MOTION: Stevens moved and Heier seconded approval of a grant contract with Berniklau Educational Solutions Team (BEST) to provide funding for the management of a Juvenile Day Reporting Center, in the amount of \$95,000. Stevens, Heier, Workman and Hudkins voted aye. Schorr was absent from voting. Motion carried.

G. A grant contract with Lincoln Action Program to assist in providing the Youth ACT Program to 30 youth addressing juvenile justice issues, including project operating expenses and salaries, in the amount of \$20,193. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-05-0563)

MOTION: Stevens moved and Workman seconded approval of a grant contract with Lincoln Action Program to assist in providing the Youth ACT Program to 30 youth addressing juvenile justice issues, including project operating expenses and salaries, in the amount of \$20,193. Stevens, Heier, Workman and Hudkins voted aye. Schorr was absent from voting. Motion carried.

5) NEW BUSINESS CONTINUED:

H. **Supplemental Agreement No. 2 with the State of Nebraska, Department of Roads for staking and inspection on Project No. BRO-7055(101) - Waverly North, Lancaster County Structure No. A-76. The County entered into the original agreement on August 3, 1999, and Supplemental Agreement No. 1 on May 24, 2005. Supplemental Agreement No. 2 requires the County to provide for supervision and inspection of the construction due to the lack of available State personnel. The County will be reimbursed based upon actual costs in accordance with Federal Guidelines. The State will pay 85 percent of the actual eligible costs. (C-05-0564)**

MOTION: Workman moved and Stevens seconded approval of Supplemental Agreement No. 2 with the State of Nebraska, Department of Roads for staking and inspection on Project No. BRO-7055(101) - Waverly North, Lancaster County Structure No. A-76. Stevens, Heier, Workman and Hudkins voted aye. Schorr was absent from voting. Motion carried.

I. **A grant contract with VolunteerLinc, d/b/a Volunteer Partners, to provide funding to monitor the Low Income Transportation Project, in the amount of \$5,000. Term of the grant contract is from July 1, 2005 to June 30, 2006. (C-05-0565)**

MOTION: Heier moved and Stevens seconded approval of a grant contract with VolunteerLinc, d/b/a Volunteer Partners, to provide funding to monitor the Low Income Transportation Project, in the amount of \$5,000. Workman, Heier, Stevens and Hudkins voted aye. Schorr was absent from voting. Motion carried.

J. **A utility relocation agreement, Project No. STPE-3265(6), South 68th Street, Wittstruck Road to Bennet Road, between Lancaster County and the Lancaster Rural Water District No. 1 of Bennet, Nebraska. The total amount of the project is estimated at \$4,960, of which \$4,960 is estimated to be the share of the cost chargeable to the County. (C-05-0566)**

MOTION: Stevens moved and Workman seconded approval of a utility relocation agreement, Project No. STPE-3265(6), South 68th Street, Wittstruck Road to Bennet Road, between Lancaster County and the Lancaster Rural Water District No. 1 of Bennet, Nebraska. Heier, Workman, Stevens and Hudkins voted aye. Schorr was absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

K. Utility Permit No. 782 for the City of Lincoln to construct a water line on Fletcher Avenue between North 1st and North 14th Streets. (C-05-0567)

MOTION: Heier moved and Workman seconded approval of Utility Permit No. 782 for the City of Lincoln to construct a water line on Fletcher Avenue between North 1st and North 14th Streets. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

(Commissioner Schorr re-entered the Hearing Rom at 3:18 p.m..)
(Commissioner Stevens exited the Hearing Room at 3:18 p.m..)

L. Recommendation from the Purchasing Agent and the Sheriff to award an order, in the amount of \$24,605, from State of Nebraska Contract No. 11426-OC to Anderson Ford for one, 2006 four-wheel drive Ford Explorer XLS with options as specified on the requisition form. (B-05-0040)

MOTION: Workman moved and Heier seconded approval to award an order, in the amount of \$24,605, from State of Nebraska Contract No. 11426-OC to Anderson Ford for one, 2006 four-wheel drive Ford Explorer XLS with options as specified on the requisition form as recommended by the Purchasing Agent and the Sheriff. Workman, Schorr, Heier and Hudkins voted aye. Stevens was absent from voting. Motion carried.

M. Recommendation from the Purchasing Agent and the Sheriff to award an order, in total amount of \$174,645, from State of Nebraska Contract No. 11425-OC to Tincher Ford-Mercury for seven, 2006 Ford Crown Victoria Police Sedans with options as specified on the requisition form. (B-05-0041)

MOTION: Schorr moved and Heier seconded approval to award an order, in total amount of \$174,645, from State of Nebraska Contract No. 11425-OC to Tincher Ford-Mercury for seven, 2006 Ford Crown Victoria Police Sedans with options as specified on the requisition form as recommended by the Purchasing Agent and the Sheriff. Heier, Workman, Schorr and Hudkins voted aye. Stevens was absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following vendors:

- ▶ City of Lincoln Information Services, in the amount of \$4,560.38, relating to hardware and software for Tyler Eagle County Assessor/Register of Deeds system
- ▶ The Soft Ware Group, Inc., in the amount of \$183,970.30, relating to hardware/software, license(s), analysis and conversion and training for the County Assessor/Register of Deeds Office

MOTION: Workman moved and Heier seconded approval to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$188,530.68. Workman, Schorr, Heier and Hudkins voted aye. Stevens was absent from voting. Motion carried.

O. A political subdivision tort claim filed against the Corrections Department by Timothy Sieler for lost property, in the amount of \$19.70.

MOTION: Heier moved and Workman seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against the Corrections Department by Timothy Sieler for lost property, in the amount of \$19.70. Heier, Workman, Schorr and Hudkins voted aye. Stevens was absent from voting. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

(Commissioner Stevens re-entered the Hearing Room at 3:22 p.m.)

A. Receive and Place on File:

1. Records and Information Management's Monthly Report for October, 2005.
2. Weed Control Authority's Monthly Report for October, 2005.
3. Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for October, 2005.

6) CONSENT ITEMS CONTINUED:

B. Setting of public hearings for Tuesday, November 22, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. Hospital Authority No. 1 of Lancaster County, Nebraska to issue Development Revenue Bonds (Grand Lodge Project), Series 2005.

2. County Final Plat No. 05094, Wyndam Place 2nd Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, for two lots and one outlot, on property generally located at North 176th and Holdrege Streets, and more specifically Knotting Drive and North 179th Street in Lancaster County, Nebraska.

C. A request from Lawrence Acree, an employee with Lancaster County Property Management, to voluntarily participate in the County's Retirement Plan having met the requirements.

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Aginvest, L.L.C. west of Northwest 40th Street on West McKelvie Road; Project C.P.F-240. This is a donation. (C-05-0568)
- ▶ Douglas & Company, in the amount of \$163, on West Little Salt Road west of Northwest 126th Street; Project C.P.D-71. (C-05-0569)
- ▶ Carson J. Smith, in the amount of \$155.50, on Southwest 98th Street south of West Old Cheney Road; Project C.P.N-100. (C-05-0570)
- ▶ A.J. and Loretta Harre, in the amount of \$35, on Southwest 98th Street south of West Old Cheney Road; Project C.P.N-100. (C-05-0571)
- ▶ Donna Mae Hillgren Trust and Howard Nitzel, in the amount of \$810, at Southwest 100th Street and Panama Road; Project C.P.V-58. (C-05-0572)
- ▶ Marjorie M. Olney on Olive Creek Road west of South 176th Street; Project C.P.Y-140 & Y-161. This is a donation. (C-05-0573)
- ▶ Lola H. and Jerold L. Sievers and Sonia S. Heckel, Co-Trustees, at South 27th Street and Rokeby Road; Project C.P.P-27. This is a donation. (C-05-0574)

MOTION: Workman moved and Stevens seconded approval of the Consent Items. Workman, Schorr, Stevens and Hudkins voted aye. Heier abstained from voting. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 3:25 p.m.. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 15, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:25 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 8, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated November 8, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **MOTOR VEHICLE TAX EXEMPTIONS:**

Nebraska Crop Improvement Association

MOTION: Stevens moved and Schorr seconded approval of a motor vehicle tax exemption for Nebraska Crop Improvement Association. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **APPEAL FILED ON VALUATION CHANGE:**

Rodney S. Hornby

Norm Agena, County Assessor/Register of Deeds, stated the appeal was regarding the removal of an exemption for 2005 instead of on a valuation change. He explained Mr. Hornby purchased the parcel from the Cheney School District in August, 2005. Agena stated that by Nebraska State Statute anything purchased from a legislatively permissible exempt organization prior to levy date goes on the tax rolls back to January 1 of that year. Recommendation was to deny the appeal.

MOTION: Stevens moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeal filed on the removal of exemption for 2005 for Parcel I.D. No. 16-26-200-006-000. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:28 p.m.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk